

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zev Carter	Team: Squad #3	CCRB Case #: 201906300	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/17/2019 9:00 PM	Location of Incident: [REDACTED]	Precinct: 72	18 Mo. SOL 1/17/2021	EO SOL 9/3/2021	
Date/Time CV Reported Thu, 07/18/2019 11:33 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 07/18/2019 11:33 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Charles Ji	01342	965761	073 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Junsun Park	28223	959875	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Charles Ji	Discourtesy: Police Officer Charles Ji acted discourteously toward § 87(2)(b) § 87(2)(b)	[REDACTED]
B.POM Charles Ji	Force: Police Officer Charles Ji used physical force against § 87(2)(b) § 87(2)(b)	[REDACTED]

Case Summary

On July 18, 2019, reporting non-witness § 87(2)(b) § 87(2)(b) filed this complaint with the CCRB over the phone on behalf of her brother, § 87(2)(b) § 87(2)(b).

On July 17, 2019, at approximately 9:00 p.m., § 87(2)§ 87(2)(b) was in police custody, having been arrested (#§ 87(2)(b)) on July 12, 2019 for a top charge of assault with intent to cause serious injury with a weapon. Before § 87(2)§ 87(2)(b) was arraigned, Police Officer Charles Ji and Police Officer Junsun Park of the 73rd Precinct escorted him to § 87(2)(b) (formerly known as § 87(2)(b) Hospital) for a psychiatric evaluation. Inside of the hospital, PO Ji allegedly placed a piece of foam tubing in § 87(2)§ 87(2)(b)'s mouth and punched him in the mouth twice (**Allegation A: Discourtesy**, § 87(2)(g) **Allegation B: Force**, § 87(2)(g)). No additional summonses or arrests were made during this incident. PO Park has since been transferred to Strategic Response Group 3.

Given that the incident took place inside of a medical facility, the NYPD Patrol Guide prohibited the use of body-worn cameras to record it (**16 Board Review**).

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Charles Ji acted discourteously towards § 87(2)(b) § 87(2)(b)

Allegation (B) Force: Police Officer Charles Ji used physical force against § 87(2)(b) § 87(2)(b)

The following facts are undisputed: during the incident, § 87(2)§ 87(2)(b) was in police custody inside § 87(2)(b) Hospital in Brooklyn for a psychiatric evaluation. § 87(2)§ 87(2)(b) was lying on his back handcuffed to a bed or stretcher during the incident. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

In his sworn statement to the CCRB, § 87(2)§ 87(2)(b) stated that he was lying down in a hospital bed inside of a private room awaiting a psychiatric evaluation (**01 Board Review**). Both of his hands were handcuffed at his sides to the bed and his feet were shackled to one another. § 87(2)§ 87(2)(b) removed a small piece of foam tubing that was fitted around a rail at the edge of his hospital bed. PO Ji asked what § 87(2)§ 87(2)(b) was doing, took the piece of foam from his hand, and put it into § 87(2)(b)'s mouth between his teeth and lips. § 87(2)§ 87(2)(b) exhaled sharply through his mouth to expel the foam. PO Park asked § 87(2)§ 87(2)(b) “Oh, so you’re spitting at [PO Ji]?” and told PO Ji, “I think he’s spitting on you.” PO Park left the room. PO Ji then punched § 87(2)§ 87(2)(b) in his mouth, said, “Oh, so you’re not so tough now,” and then punched him again, pushing § 87(2)§ 87(2)(b)'s upper left incisor backward. A hospital security guard was inside of the room and witnessed the incident. The security guard discussed the incident with PO Ji afterward. § 87(2)§ 87(2)(b) complained to medical personnel at § 87(2)(b) Hospital – Brooklyn and at § 87(2)(b) Hospital.

PO Ji stated that he was assigned to transport § 87(2)§ 87(2)(b) from Brooklyn Central Booking to § 87(2)(b) Hospital – Brooklyn for a psychiatric evaluation (**02 Board Review**). On the way to the hospital, § 87(2)§ 87(2)(b) spoke rudely and aggressively to PO Ji. Inside of the hospital, § 87(2)§ 87(2)(b) was laying on his back on a stretcher with his legs shackled. PO Ji did not recall whether one or two of § 87(2)§ 87(2)(b)'s arms were handcuffed to the stretcher. § 87(2)§ 87(2)(b) reached under the stretcher and pried a three to four-inch-long piece of plastic with a jagged edge off of it with his hand. PO Ji asked § 87(2)§ 87(2)(b) what the object was, and § 87(2)§ 87(2)(b) smirked. PO Ji went closer to § 87(2)§ 87(2)(b) to see what the object was and leaned over to take it out of § 87(2)§ 87(2)(b)'s hand. PO Ji's face was

one to two feet away from § 87(2)(b)'s face. § 87(2)(b) spat in PO Ji's face several times. Saliva went into PO Ji's eyes and mouth. PO Ji pushed § 87(2)(b)'s face away with an open palm so that § 87(2)(b) would spit in another direction and moved away from him. PO Ji did not recall where on § 87(2)(b)'s face he touched. PO Ji did not injure § 87(2)(b). He denied shoving something in § 87(2)(b)'s mouth and punching him in the face. PO Ji stated that he did have a conversation with a security guard, but the guard was not present when the allegations would have occurred. PO Ji was consistent in his account of the incident in the threat, resistance, and injury (TRI) report #2019-072-000101 he prepared in regards **(03 Board Review)**.

PO Park, PO Ji's partner, stated that he did not witness the incident because he was at Brooklyn Central Booking processing arrests while PO Ji escorted § 87(2)(b) to the hospital **(03 Board Review)**. PO Park stated that when he arrived at the hospital to pick up § 87(2)(b) and PO Ji and drive them back to Brooklyn Central Booking, PO Ji told him that § 87(2)(b) had tried to hide an unknown object inside of his pants and spat in PO Ji's face once PO Ji tried to grab it. PO Ji said that he reacted by pushing § 87(2)(b)'s face away from him.

The investigation determined that § 87(2)(b) was the security guard who PO Ji spoke to. When providing a statement to the CCRB, § 87(2)(b) had difficulty remembering the incident in detail **(04 Board review)**. He stated that he heard over the radio that a patient was acting unruly in the hospital and had tried to flip a stretcher. Once § 87(2)(b) arrived, he realized that the disturbance had already been resolved and that § 87(2)(b) was calm and uninjured. § 87(2)(b) did not witness any officer place their hands on § 87(2)(b).

PO Ji prepared Medical Treatment of Prisoner Report (MTPR) § 87(2)(b) regarding this incident **(06 Board Review)**. PO Ji wrote that § 87(2)(b) was transported in leg shackles and handcuffs but did not indicate how many of § 87(2)(b)'s limbs were restrained or what they were restrained to. The report makes no note of any force used or injury sustained by § 87(2)(b). This report was not ultimately finalized **(07 Board Review)**. § 87(2)(b)'s arrest photograph does not depict any injuries **(17 Board Review)**.

The investigation determined that § 87(2)(b) was brought to multiple hospitals for psychiatric evaluation over the course of over seven days before being arraigned **(08 Board Review)**.

Medical records from § 87(2)(b) show that § 87(2)(b) was brought to the hospital by EMS and NYPD for a psychiatric evaluation **(09 Board Review)**. Officers stated that § 87(2)(b) had attempted to put a screwdriver in his anus at Central Booking. § 87(2)(b) denied any physical complaints. § 87(2)(b)'s allegations are not documented.

Medical records from § 87(2)(b) Hospital from July 18, 2019 show that § 87(2)(b) was brought to the hospital with suicidal ideations and a complaint of dental pain **(10 Board Review)**. § 87(2)(b) complained that he was hit in the face the day before but did not specify by who. A physical examination revealed that § 87(2)(b)'s tooth was mildly tender. There was no fracture or swelling.

Medical records from § 87(2)(b) show that § 87(2)(b) was brought to the hospital on July 22, 2019 complaining of oral pain **(11 Board Review)**. § 87(2)(b) told the attending physician that he was shot in the jaw three months earlier. § 87(2)(b)'s oral pain is described as "generalized" in location and "chronic" in length.

§ 87(2)(b)'s medical records from § 87(2)(b) show that on August 13, 2019, § 87(2)(b) complained of pain due to being shot and hit in

the face (**12 Board Review**). A dentist found that the front-left tooth on his upper jaw was discolored and infected.

§ 87(2)(b), § 87(2)(g)

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Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been parties (**13, 14 Board Review**).
- PO Ji has been a member of service for two years and has been subject to two complaints and three allegations, none of which were substantiated. PO Ji's CCRB history does not reflect any apparent pattern pertinent to this investigation.

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation.
- According to the NYC Office of the Comptroller, a Notice of Claim was not filed regarding this incident (**15 Board Review**).

§ 87(2)(b)

Squad No.: 3

Investigator: Zev Carter
Signature

Investigator Zev Carter
Print Title & Name

September 2, 2020
Date

Squad Leader:	<u>Olga Golub</u>	<u>SL Olga Golub</u>	<u>09/02/2020</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date